

CHARGE: 402(a)(3)—contained (egg noodles) insect fragments when shipped, and (egg elbows) insects while held for sale; 402(a)(4)—(egg noodles) prepared and packed under insanitary conditions; 403(e)(2)—(egg noodles) when shipped, the article failed to bear a label containing an accurate statement of the quantity of contents; and 403(i)(2)—(both lots) when shipped, the articles had been fabricated from two or more ingredients and their labels failed to bear the common or usual name of each ingredient since "Bio-Dynamic Wheat" is not the common or usual name of this ingredient.

DISPOSITION: 9-14-60. Default—destruction.

26871. Egg noodles. (F.D.C. No. 44341. S. Nos. 73-352 P, 85-966/7 P.)

INFORMATION FILED: 7-29-60, S. Dist. N.Y., against Home-Way Real Egg Noodle Corp., Bronx, N.Y., and Albert Nehring, president of the corporation.

SHIPPED: 9-18-59 and 10-13-59, from New York to New Jersey.

CHARGE: 402(a)(3)—contained insects, insect fragments, rodent hairs, wood splinters, and metal fragments; and 402(a)(4)—prepared under insanitary conditions.

PLEA: Guilty.

DISPOSITION: 10-5-60. Each defendant fined \$100; individual defendant placed on probation for 1 day pending payment of the fines.

#### MISCELLANEOUS CEREALS

26872. Unpopped popcorn. (F.D.C. No. 44760. S. Nos. 38-952/3 R.)

QUANTITY: 48 cases, 12 2-lb. bags each, and 175 cases, 24 1-lb. bags each, at Memphis, Tenn.

SHIPPED: 2-17-60 and 6-3-60, from Schaller, Iowa.

LIBELED: 8-2-60, W. Dist. Tenn.

CHARGE: 402(a)(3)—contained insects while held for sale.

DISPOSITION: 9-2-60. Default—delivered to a public institution for use as animal feed.

26873. Rice. (F.D.C. No. 44883. S. Nos. 2-984/7 R.)

QUANTITY: 23 shipping bags, 6 10-lb. cloth bags each, 406 25-lb. bags, and 10 100-lb. bags at Walterboro, S.C., in possession of Coastal Fruit Co.

SHIPPED: 6-6-60 and 7-6-60, from Stuttgart, Ark.

LIBELED: 9-8-60, E. Dist. S.C.

CHARGE: 402(a)(3)—contained insects; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 10-31-60. Default—delivered to a public institution for use as animal feed.

26874. Rice and chestnuts. (F.D.C. No. 44864. S. Nos. 7-416/8 R.)

QUANTITY: 13 100-lb. bags of rice and 25 55-lb. bags of chestnuts at South Boston, Mass.

SHIPPED: Between 7-2-59 and 2-16-60, from Genoa, Italy; Stuttgart, Ark.; and Beaumont, Tex.

LIBELED: 8-22-60, Dist. Mass.

CHARGE: 402(a)(3)—contained insects while held for sale.

DISPOSITION: 10-10-60. Default—destruction.

26875. Rice. (F.D.C. No. 44801. S. No. 2-555 R.)

QUANTITY: 25 cases, 24 1-lb. pkgs. each, at Cochran, Ga.

SHIPPED: 8-26-60, from Houston, Tex.

LIBELED: 9-23-60, M. Dist. Ga.

CHARGE: 402(a)(3)—contained insects while held for sale; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 12-20-60. Default—destruction.

26876. Rice. (F.D.C. No. 44782. S. Nos. 21-602/3 R.)

QUANTITY: 43 100-lb. bags at Bedford Heights, Ohio.

SHIPPED: 2-24-60 and 4-22-60, from De Witt and Stuttgart, Ark.

LIBELED: 8-25-60, N. Dist. Ohio.

CHARGE: 402(a)(3)—contained insects and insect parts while held for sale.

DISPOSITION: 12-2-60. Default—destruction.

26877. Rice and flour. (F.D.C. No. 44348. S. Nos. 2-323 P, 2-327/8 P, 44-299/300 P., 87-258/9 P.)

INFORMATION FILED: On or about 7-7-60, M. Dist. Ga., against Williams Bros. Grocery Co., Inc., Tifton, Ga., and Calhoun A. Bowen, president.

ALLEGED VIOLATIONS: Between 2-28-58 and 2-12-60, while quantities of rice and flour were being held for sale after shipment in interstate commerce, the defendants caused the articles to be held in a building accessible to rodents and insects and to be exposed to contamination by rodents and insects, which acts resulted in the articles being adulterated.

CHARGE: 402(a)(3)—contained insects, insect larvae, insect cast skins, insect excreta, and rodent urine; and 402(a)(4)—held under insanitary conditions.

PLEA: Nolo contendere.

DISPOSITION: 8-9-60. Corporation fined \$200; individual fined \$100.

26878. Rice. (F.D.C. No. 42027. S. Nos. 57-297/8 M, 988/9 P, 1-051/2 P, 1-779/81 P.)

INFORMATION FILED: 10-20-58, E. Dist. S.C., against Massey-Hite Co., Inc., Conway, S.C., and John K. Massey, president.

ALLEGED VIOLATIONS: Between 1-22-57 and 7-16-58, while quantities of rice were being held for sale after shipment in interstate commerce, the defendants caused the rice to be held in a building that was accessible to rodents and insects, and to be exposed to contamination by rodents and insects, which acts resulted in the rice being adulterated.

CHARGE: 402(a)(3)—contained rodent excreta pellets, rodent urine, insects, insect larvae, insect excreta, and insect cast skins; and 402(a)(4)—held under insanitary conditions.

PLEA: Guilty.

DISPOSITION: 9-25-60. Corporation—\$500 fine; individual—sentence of 12 months in jail or a fine of \$500.